

Washington County Land Use Authority Meeting
January 11, 2011
(Recording available)

The Washington County Land Use Authority Meeting was held on Tuesday, January 11, 2011 at the Washington County Administration Building, 197 E. Tabernacle, St. George, Utah. The meeting was convened at 1:30 p.m. by Chairman Mike Stucki. Commissioners present: Doug Wilson, Kim Ford, Rick Jones, Joann Balen, Debora Christopher, Julie Cropper and Dave Everett. Also present: Deon Goheen, Planning & Zoning Administrator; Todd Edwards, County Engineer, Rachelle Ehlert, Deputy Attorney; Kurt Gardner, Building Official; Kim Hafen, Clerk/Auditor; Dean Cox, County Administrator and Darby Klungervik, Planning Secretary.

Excused: N/A

Absent: N/A

Audience attendance: Trevor Townsend, JL Fielder, Chris Parker, Brent Carter, Cindy Gubler and Susan Carter

Chairman Mike Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item #1. STAFF COMMENTS. Review staff comments for each item listed below. Staff initiated.

Item #2 CONDITIONAL USE PERMIT EXTENSION. Review extension to install the UNEV petroleum pipeline using the IPP/Kern River corridor for a fuel transmission line running through Washington County northeasterly to southwesterly. Ann Jones, applicant/agent.

The planner noted this is the 3rd extension and the applicant previously submitted a route plat showing location of petroleum pipeline, with the 12" line sizing. Public utilities and transmission lines are conditionally approved within OSC-20 and OST-20. After 3 years the applicant has started construction. As reviewed previously, the project was reviewed and permitted by BLM, with extensive environmental studies conducted complying with the National Environmental Policy Act (NEPA). The route of the pipeline through Washington County is a total of 48.16 miles in length. Ownership along the alignment of this pipeline is divided as follows: United States Forest Service, 28.8 miles; BLM, 14.5 miles; State Trust Land, 2.79 miles; and private ownership, 2.07 miles. UNEV is a 400-mile pipeline that originates near the refineries in North Salt Lake City and will deliver refined petroleum products to a terminal near Cedar City and a terminal in North Las Vegas. The system will carry 62,000 barrels per day and the Iron County terminal will have the capacity to hold 165,000 barrels and the North Las Vegas terminal will hold 300,000 barrels. The line is jointly owned by Holly Energy Corporation, a Texas-based petroleum provider and Utah-based Sinclair Transportation Company. The applicant is present to give an update.

Trevor Townsend, representing UNEV Pipeline, said the project is going pretty well; of the forty eight and a half miles (48 ½) in Washington County, all but nineteen (19) are complete. He noted they had a few issues with the washes. He described the pipe material, route and installation process to the commission.

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Motion was made by Commissioner Balen to recommend approval of the Conditional Use Permit Extension for the UNEV petroleum pipeline, for a period of one (1) year.

Commissioner Cropper seconded the motion, with all seven (7) commissioners voting aye.

Item #3. CONDITIONAL USE PERMIT EXTENSION. Review extension for a staging area for pipe storage yard to be used on the UNEV Pipeline, containing 13.300 acres, the Fenton Bowler property in Veyo. Ann Jones, agent/UNEV Pipeline LLC, applicant.

The Planner said this is a 3rd extension and the applicant previously showed there was a need for a staging area in the County and the ideal location is the Bowler property in Veyo, which was previously used by IPP and Kern River. The commission needs an updated copy of UNEV Pipelines lease agreement with Fenton Bowler for the period of extended time. As reported previously their first shipment of pipe arrived by railway on the 11th of February 2008 and trucked from Cedar City to the site in Veyo. Building Official Kurt Gardner advised that most of the line has been installed from New Castle and beyond Gunlock, although they have some areas they have to go back to connect.

Trevor Townsend, representing UNEV Pipeline, said this is their staging area for their pipe. In response to the commission, he said he believes sanitation facilities are on the property and they have inspectors who make sure no trash is left. He agreed to check into it and make sure sanitation and waste removal was being properly handled.

Motion was made by Commissioner Cropper to recommend approval of the Conditional Use Permit Extension for a staging area to be used on the UNEV Pipeline, subject to the applicant providing staff with information regarding sanitation and waste removal, for a period of one (1) year. Commissioner Ford seconded the motion, with all seven (7) commissioners voted aye.

Item #4. CONDITIONAL USE PERMIT EXTENSION. Review extension to operate a gravel crusher within the OST-20 Zone, Section 16, T42S, R14W, SLB&M, generally located 1/4 mile east of the Washington County Landfill. Dee Atkins, landowner/Western Rock Products, applicant.

The Planner stated this is a 3rd extension, with mining and mineral development being conditionally approved within the OST-20 zone. As reviewed previously, this is an area east of the County Landfill. Sanitation and water needs for dust control have been addressed. This area is to be leased by Western Rock and their initial crushing operation is within an M-1 zone, which less than one mile to the south of this location. The commission addressed operating hours, number of haul trucks, and provisions for reclamation of mining and mineral development. The applicant is in contact with MSHA and EPA on portable crushing and screening equipment that will be reviewed and monitored when it is in place. The commission will need to have that documentation on file. All trucks should be required to be covered with a tarp as per UDOT regulations.

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Motion was made by Commissioner Ford to table this item, until a representative was available for an update. Commissioner Cropper seconded the motion, with all seven (7) commissioners voting aye.

Item #5. CONDITIONAL USE PERMIT EXTENSION. Review extension on installation and approval of the Ash Creek pipeline distribution for the Washington County Water Conservancy District near the Cottam well and Toquerville area. Washington County Water Conservancy District/Ronald Thompson, applicant and Alpha Engineering, agent.

The planner said this is an automatic annual review. As previously reviewed, the applicant submitted a route plat showing location of the Wet Sandy Irrigation Pipe Line Project. The purpose of the project was to provide for enhanced conservation of water and to fulfill contractual obligations to the holders of water rights in the area. The project consisted of installing an irrigation pipeline and a new concrete diversion dam, and upgrades an existing settling pond on lands administered by the USFS Pine Valley Ranger District and the Dixie National Forest and the BLM's St. George Field Office, as well as private lands. Public utilities and transmission lines are conditionally approved within OSC and OST-20 zone.

Doug Wilson, representing WCWCD, explained that the Wet Sandy irrigation project began eight years ago and they just barely finished it. It only took a year to build it; the rest of the time was getting through the red tape. Anderson Junction water users were pleased last summer; it was the first time they could just turn a tap and have irrigation water. He said the pipeline is working as it was engineered to do. He described the Anderson Junction Reservoir project and location. He noted they did have a little flood damage; losing about two hundred feet of pipe. He described the spring water source and rate of water flow to the commission. Mr. Wilson also gave a brief description of upcoming projects.

Commissioner Balen made a motion to recommend approval of the Conditional Use Permit Extension, as requested by the WCWCD, on a permanent basis. Commissioner Christopher seconded the motion, with all six (6) commissioners voting aye.

Item #6. CONDITIONAL USE PERMIT EXTENSION. Review extension for the "IRONMAN" St. George Triathlon to take place in Washington County on May 7, 2011. Jeff Gardner, agent.

The Planner informed the commission that this is an automatic annual review. As previously reported, the number of IRONMAN applicants will be capped at 2,500 and they are not sure of the number of actual participants for the May 7th, 2011 triathlon. The agent has submitted plans for the bike course, which runs 112 miles and loops twice from Old Hwy 91 to Gunlock, Veyo, Hwy 18 and Bluff Street. The bike ride is the only portion of the IRONMAN event within County jurisdiction. There will be three (3) Bike Aid stations in the unincorporated area of the County as follows: 1) on Main Street in Gunlock just after the church; 2) on Center Street in Veyo about 2 blocks before SR-18; and 3) Bike Special Needs located between Dammeron Valley Rd. and Homestead Dr. These types of events are reviewed conditionally at a public

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meeting to ensure that citizens have the opportunity to comment on the application. The bike course is the 2nd event and has a cut off at the start of the second loop (6.4 mile mark) at 2:05pm. Any rider who has not reached the start of the second loop of the bike by 2:05pm will not be permitted to continue. The bike course will close at 5:30pm. Athletes arriving at the bike dismount line after 5:30pm will not be permitted to continue. The swim course will be the 1st part of the event, which is 2.4 miles at the Sand Hollow Reservoir in Hurricane. This course will close at 9:20am – two hours and twenty minutes after the start. Athletes who have not crossed the timing mat at the swim exit by 9:20am will not be permitted to continue. The run course is the last event of the day and is 26.2 miles, 2 loops along Main St. Diagonal Rd, Bluff and Red Hills Pkwy in St. George. There is a cut off at the half way point of the run (13.1 miles) at 9pm. Athletes who have not reached the turnaround at Main and Tabernacle Streets by 9pm will not be permitted to continue. The run course will close at midnight. All athletes still on the run course after the cutoff time will be disqualified but given the opportunity to unofficially finish the race. Road closures for the 112-mile Bike Course are at the same locations as last year. The County Sheriff's Office has written a letter stating they will provide services for the event and have discussed a safety plan. A certificate of insurance has been submitted showing the County as beneficiary. Aid stations and sanitation facilities were adequate at the previous event.

Jeff Gardner, representing the Ironman, said he believed we had reports from the office of tourism which included surveys from the athletes. Ninety eight (98) percent of the thirteen hundred (1300) athletes gave St. George the highest rating possible. It was a success, although it does have a reputation for being one of the toughest races on the circuit. Ironman said it is the best first year event they have put on. Everything should be the same as last year; they have a monthly planning meeting next month and will see if any changes are recommended. Mr. Gardner said of the 1916 participants who started last year's race, 1642 finished or 86%. In response to the commission, he said they had several broken collar bones, but overall very few transports. The event had over 4500 volunteers.

Motion was made by Commissioner Christopher to recommend approval of the Conditional Use Permit Extension, for the Ironman competition to take place on May 7, 2011. Commissioner Cropper seconded the motion, with all seven (7) commissioners voting aye.

Item #7. CONDITIONAL USE PERMIT Request permission for the Utah Summer Games Triathlon to be held on June 18, 2011. The event will begin at Gunlock Reservoir and end at the Snow Canyon High School, traveling on County Road Old Highway 91. Jeff Gardner, applicant.

The Planner stated this triathlon will be known as the "Utah Summer Games Triathlon." These types of events are conditionally approved in the County unincorporated areas. This is the 1st request for this type of event in the summer of the year. There are now three (3) entities involved, Ivins, Santa Clara and the County. The race starts at the Gunlock Reservoir and finishing on the track at Snow Canyon High School. The Sprint Distance Race consists of: 1) 750 Meter Swim; 2) 15 Mile Bike; and 3) 5k Run. The swim and biking portions of this event is what the County would be concerned with. It should not take any more than two hours to

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complete the bike run. The applicant should be working with the Public Works Office to meet County requirements for use on the Gunlock road and Old Hwy 91 and the County Sheriff's Office has written a letter stating they will provide services for the event and have discussed a safety plan. A certificate of insurance has been submitted showing the County as beneficiary. There may need to be additional sanitation facilities at the State Park site and along the route.

Jeff Gardner, applicant, said this is a new race course but it is not a new race; the Utah Summer Games have been around for twenty years. Mr. Gardner is now the event coordinator. They decided to change the course to add variety. This even is catered toward beginners. It will not have near the impact on the community as the Ironman. The race this year is capped at five hundred (500). They will have sanitation facilities and dumpsters. He gave a brief description of the event.

Motion was made by Commissioner Christopher to recommend approval of the Conditional Use Permit to hold the Utah Summer Games on June 18, 2011. The event will begin at Gunlock Reservoir and end at the Snow Canyon High School, traveling on Old Highway 91. Commissioner Balen seconded the motion, with all seven (7) commissioners voting aye.

Item # 8. PUBLIC HEARING Open hearing for a subdivision plat on Copper Cliffs Subdivision - Phase 1, 18 lots, located adjacent to the Grassy Meadows Sky Ranch area of the County. Sunfirst Bank/Chris Parker, applicant.

The Planner reminded the commission to open a public hearing on referenced by State Code, whereas all property owners within 500' of the subdivision has been sent by mail a 10 day notice of hearing and 24 hour posting of agenda before other public meeting.

Chairman Stucki opened a public hearing at 2:17 p.m.

The Planner said the only change to this plat from the plat reviewed in 2005 is the 3' strip of land added on the south side of the development and the owner's dedication. The applicant has submitted a newly revised final plat for the commissions review. This phase of platting includes monumentation, certifications, location of percolation test pits and data, description and all other requirements for final approval. All "will serve" letters from utility companies were submitted with the preliminary platting years ago. The Washington County Water Conservancy District has agreed to serve water to this development, subject to agreements that this property will eventually be served by a sewer system. After closing the public hearing, the planning commission will review the subdivision plat.

Todd Edwards, County Engineer, explained that years ago we had protective strips; this may not have been a protective strip but it was a three foot (3') strip that was left along the north side of 4170 South Street. This kept lots five through nine from being able to access their ground because they would be trespassing. The bank has now taken care of that. The county has had a

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few updates to the ordinance since this plat was created. Therefore, he has a few minor changes the applicant will need to make. Also, the asphalt has been there about three years, so Public Works will need to do another inspection. There will be a one year guarantee on the improvements, after the plat is recorded. Currently there is a dry sewer in place with the understanding that when Ashcreek makes sewer available they will tie in to that system.

Chris Parker, Sunfirst Bank, explained this project was foreclosed on and they are just trying to get this finalized so they can start marketing and sell it.

With no further comments being offered, Chairman Stucki closed the Public hearing at 2:24 p.m.

Item #9. FINAL APPROVAL Consider final plat approval for Copper Cliffs - Phase 1, 18 lots, located adjacent to Grassy Meadows Sky Ranch - Phases 2 and 4, generally located 2 miles south of Hurricane. Sunfirst Bank/Chris Parker, applicant.

Todd Edwards, County Engineer, said the fairly critical redline on the plat would be to have an engineer certify the septic test pits.

Lee Fife, Sunfirst Bank, said the bank does have clear title to this property.

Motion was made by Commissioner Balen to recommend final plat approval for Copper Cliffs, Phase 1, 18 lots, subject to the septic certification being done by an engineer and the applicant resolving the redlines of the county. Commissioner Christopher seconded the motion, with all seven (7) commissioners voting aye.

Item #10. ORDINANCE AMENDMENT Consider approval on amendment to the Washington County Land Use (Zoning) Ordinance, Title 10, Chapter 21, Wireless Telecommunication Facilities. County initiated. (*Tabled December 14, 2010*)

The Planner noted additional corrections have been made to the document. You may recall the County Deputy Attorney, Rachelle Ehlert has been working with the planning commission on this ordinance for the past 10 months, since the implementation of pending Land Use Ordinance review presentation on wireless communication facilities on March 9, 2010. This amendment will be for wireless communication facilities Chapter 21 of the Washington County Zoning Ordinance. Ordinance samples have been reviewed and staff has recommended something similar to what St. George City has recently adopted. Staff and Planning Commission agrees with these changes, so the Planning Commission may want to recommend approval as is, review and vote for modifications, or table this item. If approved, this will go before the County Commission as a recommendation on the 18th of January.

Facts/findings:

- **This amendment updates the existing ordinance**
- **Complies with the county code in regards to wireless communication**

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- **A public hearing was held and there were no objections**
- **The commission researched federal and state laws and this amendment is in compliance**

Motion was made by Commissioner Everett to recommend approval of the ordinance amendment. Commissioner Christopher seconded the motion, with all seven (7) commissioners voting aye.

Item #11. STAFF DECISIONS Review of decisions from the Land Use Authority Staff Meeting held on January 4, 2011. County initiated.

The staff meeting convened at 9:30 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Darwin Hall, Ash Creek Special Service District; Paul Wright, Department of Environmental Quality; and Tina Esplin, Washington County Water Conservancy District.

Excused: Ron Whitehead, Public Works Director; Todd Edwards, County Engineer; Robert Beers, Southwest Utah Public Health Department; and Becky Marchal, Questar Preconstruction Specialist.

CONDITIONAL USE PERMIT EXTENSION

A. Request permission to allow for an existing accessory building permitted as a detached garage in 1999 to be permitted w/casita), within the RE-40.0 zone, Winchester Hills, Phase 4 , Lot 241. Fred and Julie Kuenzi, applicant.

This is an automatic annual review, which received final occupancy on January 12, 2010. As previously review, the applicant requested an accessory dwelling within a previously constructed garage and illegal use of a casita located at 1688 W. Winchester Drive South. They purchased this property and thought the previous owners went through the approval process. Now they would like to sale the property and have all issues resolved. The applicant submitted a site plan and floor plan for staff review. The septic system installed for the main dwelling is adequate for the 1 bedroom added in the accessory dwelling as per letter obtained from the Southwest Utah Public Health Department. This meets the criteria set forth for accessory dwelling units. **The Conditional Use Permit was approved granting permanent status.**

PLAN REVIEW

A. Change Site Plan for the Veyo Merc/Restaurant/Mobile Home Park/Laundry/Bath/ for above ground gasoline removing one mobile home pad. Arlin Hughes, applicant.

This is an automatic annual review, with all permits being issued and inspected by the Department of Building Safety. As reviewed previously, the applicant purchased this property within the C-3 zone in Veyo, which was developed as a conditionally approved use prior to 1983, with the 12 unit RV Park and Laundry/Bath being approved on October 3, 1993. In 1988, seven (7) RV units were exchanged for three (3) double-wide mobile homes. Mr. Hughes

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cleaned up the property by eliminating the underground gasoline tanks and install an above ground tank removing one mobile pad for that use. They poured a concrete containment wall 8 inches thick, with dimensions being 22' x 16' x 2'. The Department of Environmental Quality (DEQ) is the approval and monitoring agency for underground tanks and the local Fire Authority approves the installation of the above ground fuel tanks. The tank is 10,000 gallon split compartment fuel tank is located at 13 North Main in Veyo. The local fire authority reviewed the plans and specifications for the installation and found that they comply with the International Fire Code 2206.2.3 and in accordance with IFC Table 2206.2.3 and IFC 3404. The tank will maintain a 25' setback from the side yard property line, having an existing 6' concrete block wall between adjacent property owners. **The staff approved this use by granting permanent status.**

Item #12. MINUTES Consider approval of the minutes of the regular planning commission meetings held on December 14, 2010.

Commissioner Everett made a motion to approve the minutes. Commissioner Ford seconded the motion, with all seven (7) commissioners voting aye.

Item #13. COUNTY COMMISSION ACTION REVIEW Review of action taken by the County Commission on Planning Items. County initiated.

The Planner reviewed the action taken on Planning Items by the Washington County Commission on January 4, 2011, beginning at 4:00 p.m.: (a) Reappointment to the Planning Commission, Joann Balen, Kim Ford, and Rick Jones.

The planner said all reappointments were approved by the County Commission.

Item #14. COMMISSION & STAFF REPORTS: General reporting on various topics. County initiated.

The Planner informed the commission that Sunroc did have some delays building the bridge due to the flooding. They will make an appointment with the County Commission to discuss this.

The Planning Commission and staff discussed the recent flooding in Washington County.

Dean Cox, County Administrator, provided an update on the flooding.

Darby Klungervik, Planning Secretary